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Trends and Tensions in Congress

The Senate and its members can choose to play many roles.

The first is that in which the appearances of power and prestige are maintained without the acceptance of responsibility or the exercise of power. This role is comparable to that of the constitutional monarch in British democracy. It involves appearance on ceremonial occasions, attendance at state dinners, and acceptance of special missions unrelated to the real world of authority of the Senate.

The second is that in which power is exercised without responsibility--as has sometimes been the case in the conduct of committee hearings and in irresponsible public statements, or in government by ordeal--which is the essence of the filibuster.

The third role is the acceptance of responsibility, balanced against the real power and authority of the Senate.

The Senate must re-examine its constitutional function and its relationship to the House of Representatives, the judiciary, and the executive branch of the government.

There is a special need for this re-examination today because in the period of the last 20 years there has been a significant change both in the substance of American government and in the functioning of governmental institutions and in their relationships. There are also special conditions existing today which make such re-examination easier and potentially more productive.

The issue of civil rights as a congressional matter has been settled to the point where it does not impinge upon nearly every action in the Senate.

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In consequence of the achievements of the last session of Congress, the legislative load which must be carried in this session is a relatively light one.

We do not have the complicating problems which might arise if there was a strong and effective opposition party in the Congress.

The Constitution of the United States does not so much provide for a system of checks and balances--as is often said--but rather it provides for a sharing of responsibilities. The responsibilities of the Senate are shared with the House of Representatives, with the judiciary, and with the President and the executive branch of the government.

Although there is some confusion and conflict in the relationship of the Senate with the House of Representatives today, the confusion is not unusual, nor is the conflict or disagreement outside the limits of what should be expected under the terms of the Constitution and the traditional relationships of the two bodies.

The role of the Senate with reference to the judiciary, however, does require some re-examination and redirection. Not just because of civil rights, but also because economic, social, and physical mobility have destroyed the regionalism of the past. A truly national judiciary must be established in the United States.

Another area which calls for re-examination and decision is that of the relationship between the Senate and the executive branch of the government:

- with reference to appointments, particularly to offices in the regulatory agencies and those other offices which exercise power independent of executive direction;

- aid especially in the field of foreign policy, where today the rather clear constitutional responsibility of the Senate has been eroded--for a variety of reasons, some external, arising from historical focus and changes, and some

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internal, arising from failure to develop new procedures to deal with new problems or with old problems presented in new forms.

In need of immediate attention, I believe, are: the operation of the Central Intelligence Agency in carrying out foreign policy, but more importantly the influence of the Agency in the determination of foreign policy; the Department of Defense and its activities--including such things as the sale or granting of arms to foreign countries and the bearing of such action upon foreign policy; and a continuous examination of our treaty obligations and of executive interpretation of those obligations, as well as of acknowledged responsibility and obligations of other nations which have signed treaties along with us.

The involvement of the Congress and the participation of the Senate in the field of foreign policy become increasingly important as the issues become more complicated and more serious, and as the moral commitment of the entire country becomes more important.